

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**JOHN OSHOP, GLENDA OSHOP, and  
CHRISTINA OSHOP, by and  
through her natural guardians  
and next friends,  
JOHN OSHOP,  
and GLENDA OSHOP,**

**Plaintiffs,**

**v.**

**TENNESSEE DEPARTMENT OF  
CHILDREN'S SERVICES,  
JOHN DOE ONE, JOHN DOE TWO,  
ANGEL McCLOUD,  
RUTHERFORD COUNTY BOARD  
OF EDUCATION,  
HARRY GILL, Director of Schools,  
MARY BYRNES, Chairman,  
TERRY HODGE, Vice Chairman,  
WAYNE BLAIR, DONALD JERNIGAN,  
DORRIS E. JERNIGAN, SR., GRANT  
KELLEY, and RICHARD E. WISE,**

**Defendants.**

**Case No.: 3:09-CV-0063  
Judge Trauger**

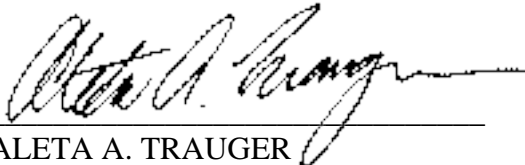
**ORDER**

For the reasons expressed in the accompanying Memorandum, the defendants' Motion to Dismiss (Docket No. 10) is **GRANTED IN PART AND DENIED IN PART**. The plaintiffs' constitutional claim against the John Does, in their individual capacities, may proceed. All claims against DCS and the John Does, in their official capacities, are dismissed with prejudice.

The state law NIED claim against the John Does, in their individual capacities, is dismissed without prejudice.

It is so ordered.

Entered this 10<sup>th</sup> day of June 2009.

  
Aleta A. Trauger  
United States District Judge